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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,577	01/09/2002	James E. Coffman	401016-A-01-US (Coffman)	6587
47523	7590	03/07/2005	EXAMINER	
JOHN C. MORAN, ATTORNEY, P.C. 4120 EAST 115 PLACE THORNTON, CO 80233-2623			BUI, BING Q	
			ART UNIT	PAPER NUMBER
			2642	

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/042,577

Applicant(s)

COFFMAN ET AL.

Examiner

Bing Q Bui

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's Amendment filed on 10/26/2004 has been entered. Claims 1 and 6 have been amended. No claims have been cancelled. No claims have been added. Claims 1-10 are still pending in this application, wherein claims 1 and 6 being independent.

### ***Response to Arguments***

2. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

"the step of enabling" in lines 1-2 of the recited claim lacks antecedent basis.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weinman, Jr (US Pat No. 6,453,022) in view of Katseff et al (US Pat No. 6,768,722), herein after referred as Katseff.

Regarding claim 1, referring to Figure 1, Weinman, Jr. teaches a method for controlling a conference call of a plurality of communication terminals (e.g., telephones "110", "130" and "135"), comprising the steps of:

displaying on a first one (e.g., telephone "110") of the plurality of communication terminals an identity of a second (e.g., telephones "130" or "135"), one of the plurality of communication terminals in response to a first signal from the first one (e.g., selecting button "305" or "410" by user of telephone "110") of the plurality of communication terminals (see column "305" or "410" in Figs 3-4; and col. 4, Ins 45 – 51; and col. 7, Ins 11 – 22);

disabling (e.g., muting) audio information received from the second one (e.g., telephones "130" or "135") of the plurality of communication terminals on the conference call in response to a second signal from the first one (e.g., depressing mute button "315" or "425" by user of telephone "110") of the plurality of communication terminals (see column "315" or "425" in Figs 3-4; and col. 5, Ins 9 - 18).

Weinman, Jr differs from claimed invention in which it does not teach the step of re-enabling the audio information received from the second one of the plurality of communication terminals on the conference call in response to a third signal from the second one of the plurality of communication terminals after the audio information from the second one of the plurality of communication terminals had previously been disabled by the second signal.

However, Katseff the step of re-enabling the audio information received from the second one of the plurality of communication terminals on the conference call in response to a third signal from the second one of the plurality of communication terminals after the audio information from the second one of the plurality of communication terminals had previously been disabled by the second signal (see Fig 5, elements 509 and 512; and col. 22, Ins 44-54; and col. 24, Ins 35-54).

Therefore, integrating Katseff's teachings into conferencing system of Weinman, Jr would be benefit to an on-hold user because the on-hold user can override his on-hold status previously set by an associated communication party.

Regarding claim 2, Weinman, Jr. teaches the method of claim 1 wherein the step of disabling comprises the step of re-enabling the second one of the plurality of

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communication terminals on the conference call in response to another second signal from the first one of the plurality of communication terminals while the identity of the second one of the plurality of communication terminals is displayed on the first one of the plurality of communication terminals (see column "315" or "425" in Figs 3-4; and col. 5, Ins 9 - 18).

Regarding claim 3, Weinman, Jr. teaches the method of claim 1 wherein the step of displaying on the first one of the plurality of communications terminals comprises the step of displaying a third one of the plurality of communication terminals in response to another first signal from the one of the plurality of communication terminals (see column "305" or "410" in Figs 3-4; and col. 4, Ins 45 – 51; and col. 7, Ins 11 – 22).

Regarding claim 4, Weinman, Jr. teaches the method of claim 3 wherein the step of disabling comprises the step of disabling audio information received from the third one of the plurality of communication terminals on the conference call in response to another second signal from the first one of the plurality of communication terminals while the identity of third one of the plurality of communication terminals is displayed on the first one of the plurality of communication terminals (see column "315" or "425" in Figs 3-4; and col. 5, Ins 9 - 18)..

Regarding claim 5, Katseff further teaches the re-enable the audio information from the third one of the plurality of communication terminals received from the second one of the plurality of communication terminals on the conference call in response to another third signal from the third one of the plurality of communication terminals (see col. 24, Ins 35-54).

As to claims 6-10, they are rejected for the same reasons set forth to rejecting claims 1- 5 above, since claims 6-10 are merely a system for implementing the method defined in the method claims 1-5.

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

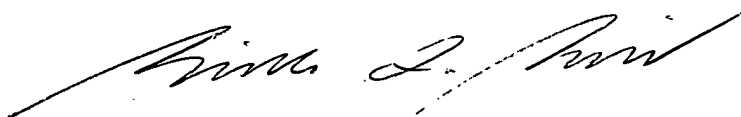
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bing Bui whose telephone number is (703) 308-5858. The examiner can normally be reached on Monday through Thursday from 7:30 to 5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 and for formal communications intended for entry (please label the response ☐EXPEDITED PROCEDURE☐) or for informal or draft communications not intended for entry (please label the response "PROPOSED" or "DRAFT").

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

01 Mar 2005



**BING Q. BUI**  
**PRIMARY EXAMINER**